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10 Attorneys for Plaintiffs

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**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**(Oakland Division)**

1 U.A. LOCAL 342 JOINT LABOR- ) Case No. 09-CV 05177-PJH  
2 MANAGEMENT COMMITTEE; NORTHERN )  
3 CALIFORNIA PIPE TRADES PENSION )  
4 TRUST; NORTHERN CALIFORNIA PIPE )  
5 TRADES HEALTH AND WELFARE TRUST; )  
6 LOCAL UNION 342, PLUMBERS & )  
7 STEAMFITTERS, UNITED ASSOCIATION ) Courtroom: Courtroom 3, 3<sup>rd</sup> Floor  
8 OF JOURNEYMEN AND APPRENTICES OF ) Location: 1301 Clay Street  
9 THE PLUMBING AND PIPEFITTING ) Oakland, CA 94612-5212  
10 INDUSTRY OF THE UNITED STATES AND ) Judge: Hon. Phyllis J. Hamilton  
11 CANADA (AFL-CIO); U.A. LOCAL 342 )  
12 APPRENTICESHIP & TRAINING TRUST )  
13 FUND and JAMES WILLIAMS, as Trustee of )  
14 the above TRUSTS, )  
15 Plaintiffs, )  
16 vs. )  
17 ROEBER'S INC., a California Corporation, )  
18 Defendant. )

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1 TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT the parties respectfully request that the Court continue the  
3 deadline to file dispositive motions to December 10, 2010. On September 2, 2010, the parties  
4 informed the court in the Case Management Conference that they were still working toward a final  
5 settlement agreement, and the court set an October 20, 2010 deadline to file dispositive motions.  
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7 Defendant owes outstanding principal of at least \$73,655, liquidated damages & interest  
8 charges of at least \$202,843, and attorneys' fees of at least \$14,483 in, totaling at least \$290,981.  
9 The parties had informally agreed to a payment plan wherein the Defendant agreed to pay its August  
10 2010 principal of \$37,787 no later than the end of business on Friday, October 8, 2010. After that  
11 payment, the Defendant would pay the remaining principal amounts within three months and pay  
12 outstanding interest, attorneys' fees, and a portion of liquidated damages in the following three  
13 months. The parties have not finalized this agreement due to an unexpected delay in payment by a  
14 general contractor to the Defendant. Defendant expects to receive such payment by Friday, October  
15 22, 2010. For these reasons, the parties respectfully request that in interests of judicial economy, the  
16 Court continue the deadline to file dispositive motions to December 10, 2010. If they cannot reach a  
17 settlement agreement, Plaintiffs will file a Motion for Summary Judgment by December 10, 2010.  
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19 Respectfully submitted,  
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21 Dated: October 20, 2010

**NEYHART, ANDERSON, FLYNN &  
GROSBOll**

22 By: /s/ Sonya M. Gordon  
23 Sonya M. Gordon  
24 Attorneys for Plaintiffs

25 Dated: October 20, 2010

**SWEENEY, MASON, WILSON &  
BOSOMWORTH**

26 By: /s/ Roger Mason  
27 Roger M. Mason  
28 Attorneys for Defendant

1 [proposed] ORDER  
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4 The Court orders a continuance of the deadline to file dispositive motions, to December 10,  
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6 2010.  
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9 Dated: 10/22/10  
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**PROOF OF SERVICE BY MAIL**

I, the undersigned, declare:

I am employed in the City and County of San Francisco, State of California. I am over the age of 18 years and not a party to the within action; my business address is 44 Montgomery Street, Suite 2080, San Francisco, California 94104. On October 20, 2010, I served the within:

## NOTICE RE: DISPOSITIVE MOTION

on the parties in said cause following our business practice, with which I am readily familiar. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid. I placed a true copy of the within document enclosed in a sealed envelope with first class postage thereon fully prepaid for collection and deposit on the date shown below in the United States mail at San Francisco, California addressed as follows:

Roeber's, Inc.

c/o Roger M. Mason, Esq.  
Sweeney, Mason, Wilson & Bosomworth  
983 University Avenue, Suite 104C  
Los Gatos, CA 95032-7637

I declare under the penalty of perjury that the foregoing is true and correct, and that this declaration was executed on October 20, 2010, at San Francisco, California.

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/s/ Sonya M. Gordon  
Sonya M. Gordon